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| 10/022,639 | 12/17/2001 | Robert N. Amensen | P05150US0 | 1871 |

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MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: MAYTAG
801 GRAND AVENUE, SUITE 3200
DES MOINES, IA 50309-2721

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| EXAMINER |
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KRAMER, JAMES A

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| ART UNIT | PAPER NUMBER |
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3627

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/022,639 | Applicant(s) AMENSEN ET AL. | |
| | Examiner James A. Kramer | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-7, 9-15, 17 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by www.pricewatch.com (hereinafter pricewatch).

Examiner notes the use of The Internet Archive's "The WayBack Machine" at www.archive.org in this Office Action. The Internet Archive is a comprehensive library of Internet sites and other cultural artifacts in digital form. The Wayback Machine is a free service allowing people to access and use archived versions of past web pages within the Internet Archive. Visitors to the Wayback Machine can type in a URL, select a date range, and then will be able to search and view the Internet Archive's enormous collection of web sites, dating back to 1996 and comprising over 10 billion web pages. For this Office Action the Examiner found archived versions of www.pricewatch.com and www.dewalt.com both archived on Aug. 15, 2000.

Pricewatch teaches a first website (www.pricewatch.com) adapted to communicate product information to consumers and adapted to receive at least one product purchase selection from a consumer (claims 1 and 10). Reference screen shot (C), TV's page. Examiner notes that the screen shot includes product information and the "Buy Now" button allows for the site to receive a product purchase selection.

Pricewatch further teaches a cart transfer for transferring the product purchase selection from the first website (www.pricewatch.com) to a shopping cart of a second website (claims 1 and 10). Examiner references screen shots (D) and (E). Upon selection of the “Buy Now” button the consumer is brought to a second website (merchant: New Technology Computers, INC) and specifically the information on the product is transmitted to the second website and put in to a Shopping Cart, as illustrated by screen shot (E).

Pricewatch also teach one or more inputs for receiving information about consumer products (claim 2). Examiner references screen shot (B) and notes that pricewatch accepts inputs about the type of product (consumer preferences) consumer prefers (e.g. televisions).

Pricewatch further teaches a shopping cart on the first website associated with the consumer that maintains product purchase selections (claim 4). Examiner references screen shot (C); note (5) for “My Saved Ads” (in upper right hand corner). Examiner notes that this represents that ability to save ads or product information in a shopping cart on product selections.

Pricewatch teaches a customer selection component adapted for consumer to select a second website (claims 5, 10 and 11). Examiner first notes that Applicant defines a customer in the specification on page 4; lines 9-11 as “The term “customer” is used broadly to denote an entity that is a supplier, distributor, carries a manufacturer's products or services, retailer, or other.” Therefore, Examiner interprets this limitation to mean that the consumer has the ability to select the vendor (customer) from whom the consumer would like to buy the product. Examiner relies once again on screen shot (C) and notes that the third column in the table represents the merchant (customer/second website) and therefore pricewatch is adapted for the consumer to select a merchant (customer/second website).

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Pricewatch teaches a price and availability component for receiving price and availability of the product purchase selection from the second website (claims 6, 12 and 13). Examiner once again relies on screen shot (C) and notes that column 2 includes price and “will ship” time. Examiner notes that “will ship” indicates that “availability” of the item (e.g. will ship 1-2 days, will ship same day, in stock, back order).

Pricewatch teaches that the product purchased is an appliance (claim 7). Examiner notes that a TV is an appliance.

Pricewatch teaches that the cart transfer includes passing a product identifier (claim 9). Examiner notes that this feature is inherent. Specifically, it is necessarily present in this system for the pricewatch.com website to pass a product identifier to the vendor website. There is no other way for the vendor website to know which product the consumer is interested in except for pricewatch to pass a product identifier and as such this limitation is inherent to pricewatch.

Pricewatch teaches displaying policies of the customer website prior to transferring the product purchase selection (claim 14). Examiner once again relies on screen shot (C), this time note (4) which shows Languages spoken. Examiner notes that this represents a policy of the merchant (customer) website.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3, 16, and 19-23 rejected under 35 U.S.C. 103(a) as being unpatentable over www.dewalt.com (dewalt) in view of www.pricewatch.com (hereinafter pricewatch).

DeWalt teaches a first website adapted to communicate product information to consumers and adapted to receive at least one product purchase selection from a consumer (claim 1); where in the first website is a manufacturer website (claim 3). Examiner references screen shots (E) and (F) which show product information for a category of products (E) and then allows the consumer to select a particular product (F).

DeWalt further teaches a product purchase selection transfer to a second website (claim 1); where in the second website is customer website (claim 3). As detail in the rejection above, Examiner once again notes that Applicant defines a customer as “an entity that is a supplier, distributor, carries a manufacturer's products or services, retailer, or other”, in the specification page 4; lines 9-11. Examiner also references screen shots (F) and (G). Screen shot (F) represents a product selection page for a consumer specified product. The page includes an “Order Now” link which transfers the consumer to a customer/vendor page, screen shot (G). Screen shot (G) represents the customer/vendor page (second website) and in particular includes only products manufacturer by the owner of the first website (DeWalt). Examiner notes that in order to limit the products represented by the customer/vendor website a transfer of information must be sent from the first website (manufacturer site) to the second website (customer/vendor site).

However, DeWalt fails to teach that this transfer includes a cart transfer for transferring product purchase selection. Pricewatch, as described in detail above, teaches a cart transfer for transferring product purchase selection from the first website to the second website.

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Specifically, Examiner references pricewatch screen shots (D) and (E). Upon selection of the “Buy Now” button on pricewatch, the consumer is brought to a second website (merchant: New Technology Computers, INC) and specifically the information on the product is transmitted to the second website and put in to a Shopping Cart, as illustrated by screen shot (E). Examiner notes that pricewatch provides this feature in order to make the order process simple and error free for the consumer.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the information transferred from the first website to the second web site of DeWalt to include transferring the product purchase selection as taught by pricewatch. One of ordinary skill in the art would have been motivated to combine the references as taught to make the order process as simple and error free as possible for the consumer.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over pricewatch in view of Microsoft Computer Dictionary.

Pricewatch teaches Pricewatch teaches a first website (www.pricewatch.com) adapted to communicate product information to consumers and adapted to receive at least one product purchase selection from a consumer (claim 1). Reference screen shot (C), TV’s page. Examiner notes that the screen shot includes product information and the “Buy Now” button allows for the site to receive a product purchase selection.

Pricewatch further teaches a cart transfer for transferring the product purchase selection from the first website (www.pricewatch.com) to a shopping cart of a second website (claim 1). Examiner references screen shots (D) and (E). Upon selection of the “Buy Now” button the

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consumer is brought to a second website (merchant: New Technology Computers, INC) and specifically the information on the product is transmitted to the second website and put in to a Shopping Cart, as illustrated by screen shot (E).

Pricewatch does not teach the cart transfer includes a XML transfer. Specifically, because pricewatch is an Internet site form or non-patent literature, it is impossible to determine the exact form of coding used to develop the site.

As such Examiner relies on Microsoft Computer Dictionary to teach that XML is a condensed form of SGML which lets developer and designers create customized tags that offer greater flexibility in organizing and presenting information than is possible with older coding systems (page 489). In other words, Microsoft Computer Dictionary teaches that XML is an old and well known web/Internet coding standard (also see definition of SGML on page 405).

As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the coding of pricewatch to include XML tags and in particular to have the cart transfer include an XML transfer, as taught by Microsoft Computer Dictionary. One of ordinary skill at the time of the invention would have been motivated to modify the reference to offer greater flexibility in organizing and presenting information than would have been possible with older coding systems.

Response to Arguments

Applicant's arguments filed 3/23/05 have been fully considered but they are not persuasive. Applicant asserts that Pricewatch does not disclose a cart transfer feature.

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Examiner disagrees and apologizes for any misinterpretation. Examiner will attempt to clarify the reference. It appears that Applicant believes that screen shot E is accessed by selecting the "order" button on Screen shot D and that is what transfers the information into the shopping cart. Examiner notes this is not correct. In fact, the information is already in the shopping cart and to access this information a user would select "view shopping cart." As such the system of Pricewatch does include a shopping cart transfer.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

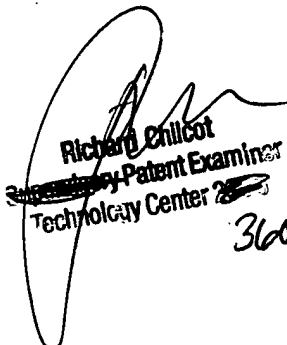
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272 6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak


Richard Chilcot
~~Supervisory~~ Patent Examiner
Technology Center 2
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